



**DVCC Immigration Subcommittee**  
**September 4, 2018**  
**10:30 AM**  
**Delaware State Police Museum, Dover**

**Minutes**

- I. Introductions: In attendance were: Laura Graham (CLASI), Jennifer Castaneda (FCCSP), Rosemary West (Turning Point), Sabdi Vasquez (CLASI), Gilberete Pierre (CLASI), Carolyn Becker (WPD Victim Services), Maite S. Aros (CHILD Inc.), Adrienne Owen (DSP), Meghan Fisher (DOJ), Meliza Feliciano (FCCSP), Emily Houde (CLASI), Cindy Garcia (CLASI), Kelly Head (CLASI), Nancy Carranza (Abriendo Puertas), Pedro (NCCPD) and Sue Ryan (DCADV, via teleconference).
- DVCC Staff: Aimee String
- II. Review of meeting minutes from 5/1/18
- a. Minutes were approved as written.
- III. Old Business:
- a. FIRT Recommendation: Hispanic Needs Assessment
- b. Committee Membership Agencies
- i. There will be one designated representative per agency. The expectation is that members will attend meetings regularly.
- c. DACA: DACA is still in a holding pattern.
- IV. New Business
1. Federal Updates
- a. USCIS VAWA Unit – Fee Waiver Denials
- i. New policy to be less lenient on application/petition fee waiver requests in victim-based cases (U/T/VAWA).
- ii. Tips for providers to support survivors
1. Helping survivors connect with financial resources, should they be required to pay the filing fees. If your agency has donated funds, there may be a need.
2. Document the services you provide to survivors, whether those services are income-based, and if so, how you determined that survivor qualifies based on her income.
- b. Matter of A-B
- i. Case history and decision:
1. Ms. A-B- fled DV by her husband in El Salvador. He subjected her to years of physical, sexual, and emotional violence, including physical violence with a knife. She obtained a protective order, which went unenforced; law enforcement did not investigate the DV or protect her from her husband, as her husband's

brother was a police officer. When she relocated within El Salvador and filed for divorce, her husband's violence escalated, and she fled.

2. Ms. A-B- filed for asylum, which was denied by the Immigration Judge. The BIA, on appeal, held that she adequately demonstrated that she was persecuted on account of her particular social group - Salvadoran woman who cannot leave their abusive husband - and that the government could not and would not control her persecuting husband. They granted her application for asylum and remanded the case to the Immigration Judge.
3. On June 11, 2018 AG Sessions announced his decision in this asylum case, which he referred to himself for decision. He held that domestic violence is a "private criminal activity," and that survivors of domestic violence in their home countries no longer qualify for asylum based on the domestic violence.

ii. Client concerns:

1. Many current and former clients are reaching out expressing concern that they heard their DV-based cases - U Visas, or VAWA Self-Petitions - have also been overturned. The *Matter of A-B-* decision and holding only applies to asylum claims based on DV. Clients' U Visas and VAWA Petitions are not impacted at all by this decision.

c. Notice to Appear (NTA) Policy

- i. On June 28<sup>th</sup> DHS announced that they have updated their policy manual regarding the issuance of Notices to Appear (NTAs), which serve as the complaint to commence removal proceedings against a client.
- ii. In the past USCIS has indicated that if a stand-alone VAWA Self-Petition, I-929 U visa relative, U visa, or T visa was denied by the VAWA Unit, absent certain circumstances (petitioner has serious criminal history, is a national security threat, etc.) the VAWA unit would not issue an NTA and refer the client to removal proceedings, citing the VAWA confidentiality provisions. So there was very little risk of applying for this relief even if your petition was denied.
- iii. The new policy indicates that the VAWA unit now has the ability, and is encouraged, to issue NTAs to individuals who have a criminal history and/or are unlawfully present, after their petition is denied. The policy memo is attached.
- iv. Then on July 30<sup>th</sup> DHS announced that the implementation of this policy is postponed for further agency review. <https://www.uscis.gov/news/alerts/updated-guidance-implementation-notice-appear-policy-memorandum>

d. Public Charge Policy

- i. Still not officially announced. Survivors can still get these benefits.

2. State Updates

a. Family Court

- i. Effective August 15, 2018, the Family Court will implement a change in procedure for emergency ex parte PFAs petitions that are filed with the Court after 4:00 p.m. Any petition clocked in after 4:00 p.m. will not have a same day ex parte hearing. Petitioners will still be able to file their petitions until 4:30 when the court closes, and receive assistance in doing so, but they will be instructed to come back to Family Court the following day for a hearing.
  1. PFA petition clocked in by 4:00 - Petitioner will have ex parte hearing with a commissioner that same day. So essentially no change other than moving the clock-in deadline back by 30 minutes.

2. PFA petition clocked in after 4:00 - Petitioner can choose to stay and complete and file the petition between 4-4:30, or they can take it with them to complete and file the following day, so they can have an advocate help them complete it, or don't feel rushed in completing the petition. Petitioners who choose to leave and return the next day for filing will be given a resource list with police, hotline, and other important numbers. If petitioner chooses to file the petition before 4:30, then the court staff will accept the petition, and give the Petitioner a notice asking them to come back the following morning between x and y time listed on the notice for the ex parte hearing. Petitioner will be added to the assigned commissioner's calendar for an ex parte hearing the next day. If petitioner indicates s/he cannot come during that time frame the following day, then court staff will try to be flexible and work with the petitioner to find a time when they can return. If by 4pm the following day the Petitioner does not come in for their ex parte hearing, then the commissioner assigned to the calendar that day will provide court staff with direction on following up with the petitioner.

- ii. Also, the court has now produced in English, Spanish and Creole the PFA Petition and instructions located here: <https://courts.delaware.gov/family/pfa/index.aspx> Also on the website are the new videos created as part of the improvement project, explaining to Petitioners and Respondents the PFA process and what to expect.

V. Agency Reports

- a. Family Counseling Center has hired a legal liaison and case manager. The Legal Liaison will assist with family law matters while the case manager will connect clients to resources and do goal planning. They will both be based in Wilmington.
- b. Turning Point: Rosemary West is doing therapy with victims and children and facilitating a support group in Spanish in Sussex County.
- c. CLASI has been in touch with VCAP about funding therapy for a non-english speaking client. VCAP is able to pay for an interpreter.
- d. DVCC: The DV Awareness Month Proclamation Signing will take place on October 9<sup>th</sup> at 2:30 PM at the Public Archives Building in Dover, DE.

VI. Other

- a. The Day of Remembrance will take place on September 25<sup>th</sup> at the Route 9 Library at 6:00 PM.

VII. 2019 Meeting dates: TBD